

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

RECEIVED

FEB 17 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 93-94
)	
Scripps Howard Broadcasting Company)	FCC File No. BRCT-910603KX
)	
For Renewal of License of Station WMAR-TV, Baltimore, Maryland)	
)	
and)	
)	
Four Jacks Broadcasting, Inc.)	FCC File No. BPCT-910903KE
)	
For a Construction Permit)	
For a New Television Facility on Channel 2 in Baltimore, Maryland)	

TO: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

FIRST SUPPLEMENT TO MOTION FOR SUMMARY DECISION

Scripps Howard Broadcasting Company ("Scripps Howard"), through counsel and pursuant to the directions of the Presiding Judge issued at the prehearing conference of February 15, 1994, hereby submits the attached documents to supplement its Motion For Summary Decision. See also Scripps Howard's Motion For Summary Decision, filed February 10, 1994, at 11-12 n.4. These documents consist of a declaration and two exhibits.

The exhibits, as described by counsel at the conference of February 15, 1994, consist of two sets of facsimile transmissions sent by Emily Barr to Scripps Howard's counsel on the evening of

No. of Copies rec'd
List ABCDE

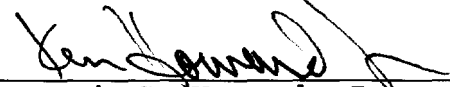
[Handwritten signature]

October 26, 1993. These exhibits are identical to Four Jacks' Exhibit 19 except that Exhibit 19 lacks the facsimile cover sheets and the date, time, and other information that was added by WMAR-TV's facsimile machine.¹

The declaration is that of Ms. Emily Barr. Should the Presiding Judge so direct, counsel for Scripps Howard is prepared to offer for the record counsel's own declaration further supporting the authenticity of the two attached exhibits and/or the accuracy of the facsimile transmission information contained thereon.

Respectfully submitted,

SCRIPPS HOWARD BROADCASTING COMPANY

By: 
Kenneth C. Howard, Jr.
Leonard C. Greenebaum
Stephanie S. Abrutyn

Its Attorneys

Baker & Hostetler
1050 Connecticut Avenue, NW
Suite 1100
Washington, DC 20036
(202) 861-1500

Dated: February 17, 1994

¹ The facsimile transmission information that was added by Station WMAR-TV's facsimile machine was deleted from the NBC facsimile correspondence before copies of these documents were produced to Four Jacks Broadcasting, Inc., the Mass Media Bureau and the Presiding Judge so that the produced documents (1) would constitute exact copies of the documents in Emily Barr's possession and (2) would not reveal privileged information.

Declaration of Emily L. Barr

I, Emily L. Barr, based on my personal knowledge, state the following:

1. I am Assistant General Manager of Station WMAR-TV, which is owned by Scripps Howard Broadcasting Company.

2. In October, 1993, Kenneth C. Howard, Jr., an attorney with Baker & Hostetler telephoned me and requested that I review my files again to ensure the accuracy of my deposition statement that I did not have the facsimile that I sent to NBC in August 1992 listing the issues about which WMAR-TV was seeking records.

3. In response to Mr. Howard's request, I immediately looked for and, to my surprise, located two facsimiles, in a file between other documents. The facsimiles that I located were the facsimile that Mr. Howard was seeking and the facsimile that I received back from Nancy Cole, Director of Archives, NBC News, attaching a sample of the type of information that was available. A copy of the facsimile that I sent to NBC is attached hereto as Exhibit 1, and a copy of the facsimile that I received from NBC is attached hereto as Exhibit 2.

4. Immediately after I located the facsimiles, I sent a copy of the facsimile that I had sent to NBC to Mr. Howard via facsimile. To the best of my knowledge, the date on the facsimile cover sheet and the line on the top of the facsimile received by Mr. Howard, see Exhibit 1, accurately represent the date and time that I sent him the documents.

5. Shortly thereafter, at his request, I also sent Mr. Howard a copy of the facsimile that I had received from NBC in

response to my facsimile. To the best of my knowledge, the date on the facsimile cover sheet and the line on the top of the facsimile received by Mr. Howard, see Exhibit 2, accurately represent the date and time that I sent him the documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 16, 1994



Emily L. Barr

EXHIBIT 1

**FACSIMILE
COVER LETTER**

6400 YORK ROAD • BALTIMORE • MARYLAND • 21212

To: KEN HOWARDFrom: Emily BarrDate: 10-26-93

The total number of pages being transmitted is 4, including this page. If you did not receive all pages, or if any portion is illegible, please call the sender at 410-377-2222.

WMAR-TV Administrative Office Fax Number is 410-377-3010.

Comments: _____



6400 YORK ROAD
BALTIMORE MARYLAND 21212
410 377-2222



August 10, 1992

TO: NANCY COLE
VICKY ANDERSON

FROM: EMILY BARR, WMAR-TV *EB*

RE: ARCHIVE REQUESTS

It was a pleasure speaking to both of you on Friday about WMAR-TV's need for some archival information from NBC. As I explained over the phone, we are in the midst of a license challenge and need information about specific NBC programming (both news and non-news) for our attorneys.

As I mentioned on Friday, we are looking for examples of programming, both network and local that dealt with the ascertained issues we identified through interviews with local community leaders. The period in question is June 1, 1991 through September 30, 1991 and the issues are as follows:

- 1) Education
- 2) Unemployment
- 3) Race Relations/Minority Concerns
- 4) Metropolitan/State Concerns (Maryland only)
- 5) Crime & Criminal Justice System
- 6) The Media
- 7) Environmental Concerns
- 8) Social Welfare/Societal Concerns
- 9) Child Abuse
- 10) Health & Safety
- 11) Drug & Alcohol Abuse
- 12) Government Affairs/Legislation (Maryland only)
- 13) Performing Arts/Entertainment/Recreation
- 14) Literacy
- 15) Economic Development
- 16) Homelessness
- 17) Redistricting (Maryland only)



-2-

- 18) The Supreme Court
- 19) Cultural Development
- 20) Youth Concerns

Please give me a call at 410-377-2222 if you have any questions. As we discussed, it would be ideal if I could receive the printouts no later than the end of August. Again, thank you for all of your help.

Education

Unemployment

Race Relations / Minority Concerns

Metropolitan / State Concerns (Low to Mo)

Crime + Criminal Justice System

M.A.O.A.

Environmental Concerns

Social Welfare / Societal Concerns

Child Abuse

Health + Safety

Drug / Alcohol / Abuse

Govt Affairs / Legislation

Performing Arts / Ent / Recreation

Literary

Economic Development

Homelessness

Redistricting (Mo)

Supreme Ct

Cultural Development

Youth Concerns

EXHIBIT 2

**FACSIMILE
COVER LETTER**

6400 YORK ROAD • BALTIMORE • MARYLAND • 21212

To: KEN HOWARDFrom: Emily BarrDate: 10-26-93

The total number of pages being transmitted is 5, including this page. If you did not receive all pages, or if any portion is illegible, please call the sender at 410-377-2222.

WMAR-TV Administrative Office Fax Number is 410-377-3010.

Comments: _____

30 Rockefeller Plaza
New York, NY 10112
212 664-2797
Telex (USA): 1247
Telex (Int'l): 232346A
Fax Number: 212 957-8917

A Division of
National Broadcasting
Company, Inc.

NBC News
Video Archives



DATE: August 12, 1992

FAX TRANSMITTAL FORM

TO: Emily Barr

COMPANY: WMAR

FAX NUMBER: 410-377-3010

FROM: Nancy Cole

NBC EXTENSION: (212) 664- 3044

NUMBER OF PAGES INCLUDING COVER: 3
NBC NEWS ARCHIVES FAX NO.: 212-957-8917

NOTES:

Emily:

Pls note on last page it states 114 items--translation--in the time period you requested, June 1 thru Sept. 30, 1991 there were 114 spots which aired on NBC network news programs regarding education. ID N910930 is a NN spot aired on 9/30 and follows are our coded fields. Is this helpful? I think you can read thru this and glean the info you need. Or, if you do not want the printouts, we can just let you know the number count of spots which aired.

Just let me know.

Regards,

A handwritten signature in cursive script that reads "Nancy".

007-26-93 TUE 17:56

WMAR-TV EXEC OFFICES

FAX NO. 3013773010

P.03

TITLE GOVERNOR OF SOUTH CAROLINA CAMPBELL CRITICIZES US PUBLIC SCHOOL EDUCATIO

EVENT PLACE WASHINGTON D C

DATE OF EVENT 910930

NBC CAMERA NBC

REMARKS F 91J1848 HT 19:35:12

PERSONALITIES CAMPBELL CARROLL

REC LENGTH :11

WTR HIT TIME HIT TIME 5:35:42

SYNOPSIS IN WASHINGTON D.C. PRESS CONFERENCE; SOUTH CAROLINA GOVERNOR CAMPBELL SAYS ONE DOESN'T BECOME A WORLD CLASS POLE VAULTER BY LOWERING THE BAR; JUST AS ONE WOULD NOT ESTABLISH A WORLD CLASS EDUCATION SYSTEM BY LOWERING THE STANDARDS; BUT ADDS; HOWEVER; THAT THE US IS DOING JUST THAT.

MESSAGE TA; CURRY INTRO

MEDIA : 0264930

① 910930

TITLE NATIONAL EDUCATION GOALS PANEL REPORTS GAP EXISTS BETWEEN GOALS & REALITY OF EDUCATION IN US

EVENT PLACE WASHINGTON D C

DATE OF EVENT 910930

NBC CAMERA NBC

REPORTER KUR BOB

REMARKS NSF 91J1848 HT 19:34:42

PERSONALITIES CAMPBELL CARROLL ROMER ROY BRANSTAD TERRY

REC LENGTH 1:55

WTR HIT TIME HIT TIME 18:36:20

SYNOPSIS AFRICAN-AMERICAN & WHITE STUDENTS WEAR CAPS & GOWNS AS THEY WALK DOWN AISLE DURING HIGH SCHOOL GRADUATION AS MUSIC IS HEARD. FEMALE STUDENT HOLDS ROSE. OVERHEAD SHOT OF DC HALL SEEN DURING 9-30-91 PRESS CONFERENCE AS MEMBERS OF NATIONAL EDUCATION GOALS PANEL SIT AT TABLE NEAR PODIUM AS FLAGS & REPORTERS APPEAR NEARBY. DURING PRESS CONFERENCE PANEL MEMBER GOV CARROLL CAMPBELL OF SOUTH CAROLINA SAYS YOU DON'T ESTABLISH WORLD CLASS POLE VAULTER BY LOWERING THE BAR & YOU DON'T ESTABLISH WORLD CLASS EDUCATION SYSTEM BY LOWERING THE STANDARDS. GRAPHIC ANIMATED REPORT READING "THE NATIONAL EDUCATION GOALS REPORT T; BUILDING A NATION OF LEARNERS 1991"; GRAPHIC BLACKBOARD; SUPERS "GOAL: STUDENT PROFICIENCY; REALITY: LESS THAN 20%; CAN DO MATH & SCIENCE; GOAL: ADULTS LITERATE; REALITY: CAN'T UNDERSTAND NEWSPAPER OR BUS SCHEDULE" SEEN. DURING DC PRESS CONFERENCE PANEL MEMBER GOV TERRY BRANSTAD OF IOWA HOLDS REPORT; & SAYS IF HIS CHILDREN BROUGHT HOME THIS REPORT CARD HE WOULD FEEL NEED TO GET INVOLVED AS A PARENT. PANEL MEMBERS SIT AT TABLE AS PANEL MEMBER GOV ROY ROMER OF COLORADO SAYS WE NEED PARENTAL RESPONSE TO EDUCATION OF CHILDREN. TEACHER INSTRUCTS ELEMENTARY CLASS STUDENTS AS THEY RAISE THEIR HANDS & SIT IN DESKS. DURING DC PRESS CONFERENCE GOV CAMPBELL SAYS REAL PROBLEM IN EDUCATION IS BREAKDOWN OF THE AMERICAN FAMILY. CHILDREN CARRY BOOKS AS THEY CROSS STREET; DEBARK SCHOOL BUSES; AFRICAN-AMERICAN FEMALE ST

NSF - NOT SOT FEED

T = Today Show
S = Sunrise
S = SAT Today
M = Magazine
1130 A/Closn Look
pm Dateline or
Real Life

AUG 12 '92 14:48 NBC NEWS ARCHIVES IN.212 9575917

0.2

UDENTS CARRY BOOKS AS THEY WALK NEAR PARKING LOT. KUR REPORTS ON-CAMERA
RA FROM DC & SAYS PANEL'S 1ST GOAL IS TO ENSURE THAT CHILDREN ARE W
HEALTHY; WELL FED & READY TO LEARN; & THIS MUST BE ACHIEVED IF OTHER G
OALS ARE TO BE MET. KUR SIGNS OFF ON-CAMERA FROM DC.

MESSAGE TA; UNABLE TO ESTABLISH EXACT LOCATIONS; DATES & ALL IDS

MEDIA : 0264941

ID W910930

Sept 30, 91

TITLE SCIENCE TEACHERS USE UNUSUAL METHODS TO CAPTURE ATTENTION OF STUDENTS

EVENT PLACE FORT COLLINS WISCONSIN

DATE OF EVENT 910930

NBC CAMERA NBC

REPORTER ONEIL ROGER

ASSIGN NO. 91J1849

REMARKS CSFNS CHI 91J1849

PERSONALITIES BRAKEFIELD JENNE SHAKHASHIRI BASSAM

NBC LENGTH 1:46

VTR HIT TIME HIT TIME 18:38:26

SYNOPSIS COLLEGE STUDENTS IN SCIENCE CLASS SIT IN DESKS; WEAR HATS; STRETCH &
YAWN. UNIVERSITY OF WISCONSIN SCIENCE PROFESSOR DR BASSAM SHAKHASHI
RI STANDS AT COUNTER; TAKES FLAME TO BALLOON & EXPLOSION OCCURS AS ST
UDENTS SMILE & LAUGH IN CLASS. SHAKHASHIRI WEARS GLOVES; GOGGLES &
T-SHIRT READING "SCIENCE IS FUN" AS HE MIXES CHEMICALS AT COUNTER DUR
ING SCIENCE CLASS; STUDENTS LAUGH & HE ASKS STUDENTS WHAT CHEMICALS
LOOK LIKE. HE BLOWS SOAP BUBBLES INTO TANK & SAYS (VO) PEOPLE ARE TU
RNED ON BY WHAT THEY SENSE. STUDENT LOOKS AT PERIODIC TABLE CHART O
N WALL. OVERHEAD SHOT OF SCIENCE CLASS SEEN AS INSTRUCTOR STANDS AT B
OARD. CLOSEUP OF BEAKER ON HOT PLATE & LIQUID CHEMICAL CHANGING COL
ORS SEEN. DURING INTERVIEW SHAKHASHIRI SAYS YOU FIND ANSWERS THRU E
XPERIMENTATION NOT BY READING BOOKS. STUDENT LOOKS AT SOAP BUBBLES THR
U TANK. AT FORT COLLINS; COLORADO; IN CHEMISTRY CLASS TEACHER MR JE
NSEN (PH) QUESTIONS STUDENTS ON CHEMISTRY AS THEY SIT AT DESKS. STUDE
NTS PERFORM CHEMISTRY EXPERIMENTS IN LAB; LOOK INTO MICROSCOPES &
DURING INTERVIEW FORT COLLINS HIGH SCHOOL STUDENT JENNE BRAKEFIELD
SAYS LAB WORK IS BETTER EXPERIENCE THAN LECTURES. SHAKHASHIRI WEARS GL
OVES IN CLASS AS HE POURS CHEMICALS IN BOWL; SMOKE RISES & STUDENTS
SMILE. SCIENCE TEACHER CRITICIZES SHAKHASHIRI AS THEY TALK IN HALL &
SHAKHASHIRI DEFENDS HIS TEACHING TECHNIQUES. CLOSEUP OF MICROSCOPE
SEEN. SHAKHASHIRI WEARS GLOVES; GOGGLES & HOLDS DOLLAR BILL OVER C
ANDLE AS BILL BURNS & STUDENTS OBSERVE. O'NEIL SIGNS OFF IN VO FROM F
ORT COLLINS; COLORADO

MESSAGE TA; UNABLE TO ESTABLISH EXACT LOCATIONS & ALL IDS

114 item(s) listed.

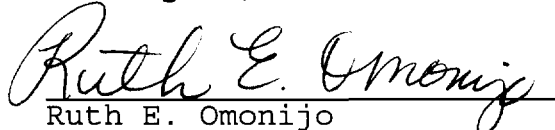
Certificate of Service

I, Ruth E. Omonijo, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "First Supplement to Motion for Summary Decision" to be hand-delivered this 17th day of February, 1994, to the following:

The Honorable Richard L. Sippel
Presiding Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Room 218
Washington, DC 20554

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Ruth E. Omonijo